

21 C.J.S. Courts § 35

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

C. Jurisdiction of Subject Matter or Cause of Action


2. Amount in Controversy Within Subject Matter Jurisdiction

b. Determination of Amount in Controversy Within Subject Matter Jurisdiction

§ 35. Joinder of parties affecting amount in controversy
for subject matter jurisdiction; class actions

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  121(4), 169(3)

In actions by or against several parties whose claims or liabilities are joint, the total claims or liabilities determine the jurisdictional amount in controversy, but where their interests are several, the claims are not aggregated.

In an action properly consolidating claims by several parties, merged as the equivalent of a single claim, the aggregate sum of the several claims determines the amount in controversy for jurisdictional purposes.¹ Jurisdiction cannot be conferred by aggregating the distinct and independent claims of unrelated parties.² Even the proper joinder of multiple individual causes of action in one action does not permit aggregating distinct and separate claims of several plaintiffs for the purpose of determining the jurisdictional amount.³ The several liabilities of different

defendants whose individual liabilities on different causes of action are litigated in one action cannot be so aggregated⁴ except that in some jurisdictions the aggregate amount of several causes of action brought by one plaintiff against different defendants is the amount in controversy for jurisdictional purposes.⁵

Class actions.

In a class action, the court must consider the total damages to the class, not only the individual monetary damages of the class representative, to determine its jurisdiction.⁶ Under some rules, however, the sums of individual claims of respective class action parties may not be aggregated if none of the individual claims is equal to or exceeds the statutory jurisdictional amount.⁷

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Footnotes

1 Mich.—Moody v. Home Owners Ins. Co., 304 Mich. App. 415, 849 N.W.2d 31 (2014), appeal granted in part, 497 Mich. 866, 853 N.W.2d 331 (2014) and appeal dismissed, 858 N.W.2d 463 (Mich. 2015) and appeal granted, 497 Mich. 957, 858 N.W.2d 462 (2015) and appeal dismissed, 858 N.W.2d 462 (Mich. 2015).

A.L.R. Library

Aggregation of Claims of Two or More Plaintiffs to Determine Amount in Controversy Under 28 U.S.C.A. s1332—Relationship of Plaintiffs Based on Other Than Purchase or Use of Same or Similar Product or Service, 49 A.L.R. Fed. 2d 39.

Aggregation of Claims of Two or More Plaintiffs to Determine Amount in Controversy Under 28 U.S.C.A. s1332—Relationship of Plaintiffs Based on Purchase or Use of Same or Similar Product or Service, 48 A.L.R. Fed. 2d 307.

2 Fla.—Martell v. Kurian, 626 So. 2d 705 (Fla. 4th DCA 1993).

3 Or.—Holmes v. Oregon Ass'n of Credit Management, Inc., 52 Or. App. 551, 628 P.2d 1264 (1981).

4 Tex.—French v. Moore, 169 S.W.3d 1 (Tex. App. Houston 1st Dist. 2004).

A.L.R. Library

Aggregation of Claims of One Plaintiff Against Two or More Defendants to Determine Amount in Controversy Under 28 U.S.C.A. s 1332, 186 A.L.R. Fed. 321.

5 N.Y.—Fader v. Silverman, 149 Misc. 590, 267 N.Y.S. 782 (Mun. Ct. 1933).

6 Ohio—Drozeck v. Lawyers Title Ins. Corp., 140 Ohio App. 3d 816, 749 N.E.2d 775 (8th Dist. Cuyahoga County 2000), on reconsideration in part on other grounds, 2001 WL 106652 (Ohio Ct. App. 8th Dist. Cuyahoga County 2001).

Class action aggregation

Iowa—Ishman v. Featherlite, Inc., 728 N.W.2d 60 (Iowa Ct. App. 2006).

7 Ky.—Lamar v. Office of Sheriff of Daviess County, 669 S.W.2d 27 (Ky. Ct. App. 1984).

Wyo.—Mutual of Omaha Insurance Company v. Blury-Losolla, 952 P.2d 117 (1998).

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